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Agenda items 5 and 9

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

CONSIDERATION OF THE FINAL OUTCOME OF THE WORLD CONFERENCE, TAKING INTO CONSIDERATION THE PREPARATORY WORK AND THE CONCLUSIONS OF THE REGIONAL MEETINGS

Note verbale dated 23 April 1993 from the Permanent Mission of Brazil

The Brazilian Mission to the United Nations Office at Geneva presents its compliments to the Secretary-General of the World Conference on Human Rights and has the honour to submit the attached position paper and requests that it be issued as a document of the fourth session of the Preparatory Committee of the World Conference on Human Rights.

GE.93-13070

BRAZIL
20 April 1993

WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth Session

UNGA resolution 47/122 approved the provisional agenda of the World Conference on Human Rights and requested the Preparatory Committee to take up at its fourth session the question of the final outcome of the Vienna meeting. Agenda items 9 and 10 provide a broad basis of discussion by the Conference on the obstacles to further progress in the field of human rights and ways and means by which they can be overcome, as well as on the relationship between development, democracy and the universal enjoyment of all human rights - economic, social, cultural, civil and political - bearing in mind their interrelationship and indivisibility.

It has been suggested during the preparatory process of the World Conference that its final outcome should be twofold. The first part would contain a political declaration or proclamation reaffirming the commitment of UN Member States to universal principles regarding the protection and promotion of human rights and fundamental freedoms; the second one would consist of a list of recommendations as concrete and target-oriented as possible in order to enhance the universal observance of these rights and freedoms.

Besides proposals aimed at further promoting and protecting human rights, attention has been given to the question of prevention of human rights violations. Some suggestions were put forward during the preparatory meetings of the World Conference and in other fora such as the Commission on Human Rights, with the objective of creating new mechanisms or improving the functioning of the existing UN structure in the field of human rights (treaty-based monitoring bodies, working groups and thematic/special rapporteurs of the UNCHR).

UNCHR resolutions 1992/51 and 1993/50, entitled "Strengthening of the rule of law", were intended as a practical course of action to substantiate the World Conference's deliberations on the trilogy human rights, democracy and development. They were also designed as a new preventive approach to address the material difficulties that Member States - particularly developing countries - committed to human rights may face in developing and strengthening their national legal and judicial institutions with a view to ensuring respect for human rights and fundamental freedoms. The rationale of these resolutions was to provide ways and means by which the UN system could make a more positive and significant contribution to the strengthening, by Member States, of the rule of law, as an essential factor for promotion and protection of human rights and fundamental freedoms.

Paragraph 28 of the San José Declaration, adopted by the Preparatory Regional Meeting of Latin American and Caribbean States held from 18 to 22 January in Costa Rica, stated that "great importance should be attached to international technical and financial cooperation, and to other types of advisory services that the United Nations can provide to Member States, for the improvement of administration of justice, police and prison systems, the promotion and teaching of human rights and all efforts that might help strengthen the institutions which uphold the rule of law. In this regard, (...) one of the most substantial contributions the World Conference could make to the cause of human rights would be the establishment of a United Nations programme of technical and financial assistance, under the auspices of the Center for Human Rights, to cooperate, at the request of Governments, with national projects designed to strengthen the institutions that uphold the rule of law".

The World Conference shall provide a unique opportunity to UN Member States to review the present technical cooperation and advisory services provided by the Center for Human Rights

in light of the need to strengthen preventive approaches as regards human rights violations and to provide further assistance to developing countries committed to the protection and promotion of human rights. The starting point of this evaluation could be the fact that notwithstanding the high priority attached to human rights in the UN Charter, they account for less than one per cent of the organizations' regular budget. Besides that, resources devoted to effective technical and financial cooperation in this specific area have so far been very limited.

While recognizing the importance of the present advisory services, some Member States acknowledge that these services are somewhat restricted for structural and financial reasons. Financial resources allocated to technical cooperation in the field of human rights within the UN regular budget (US 500,000) and contributions made to the Voluntary Fund (a total of US 4,8 million per year of which roughly 1,2 million cover technical cooperation activities) have been and are by far insufficient to absorb the demand for international cooperation in this area and the need to equip the competent services of the Center for Human Rights with the necessary infrastructure. Furthermore, these resources are almost irrelevant if compared with the costs that would be required for projects capable of generating real improvements on the enjoyment of human rights and with the number of countries potentially beneficiaries. Some of the activities implemented within the framework of advisory services (e.g. seminars, training courses, publications and scholarships) can be useful as catalysts of long-term progress in the observance of human rights, but their practical impact on concrete human rights situations is marginal at best. This might explain why only a relatively small number of Member States are currently benefitting from such services.

Several initiatives taken by Member States at the forty-ninth session of UNCHR are related to international cooperation on human rights (e.g. resolutions 1993/87 on advisory services and Voluntary Fund for Technical Cooperation in the field of human rights, 1993/32 on the administration of justice and human rights, 1993/50 on the strengthening of the rule of law and 1993/55 on national institutions for the promotion and protection of human rights). The suggestions and recommendations contained in these and in other documents could be combined in innovative ways in order to create a new cooperation scheme for human rights which would bring about a quantitative and qualitative change in the present advisory services, turning it, thus, into a genuine programme of technical and financial assistance, endowed with resources at a level sufficient for funding operational activities of international cooperation with a real and tangible impact on the enjoyment of human rights. This mechanism should operate on a voluntary basis and provide material and financial support to specific projects in the field of human rights.

With these considerations in mind, the Brazilian delegation suggests that the World Conference recommend to the General Assembly the establishment, within the framework of the Center for Human Rights and under its responsibilities, of a "**United Nations Human Rights Programme**" (**UNHRP**) to support operational activities in areas such as administration of justice, law enforcement, prison infrastructures, institutional building and strengthening of national institutions for the promotion and protection of human rights, UN treaty bodies reporting obligations, research and documentation, human rights training and teaching, etc.

Member States that so desire might submit to the Center for Human Rights individual projects or integrated national action plans containing a consolidated list of measures intended to further promote and protect human rights and specifying their financial implications, the level of resources available to the Government and the potential need for international assistance. Appropriate administrative procedures for governance of the Programme would have to be worked out. It is also predictable that the Center's present structure and personnel would have to be strengthened in order to cope with such new activities.

It would be premature to attempt defining at the World Conference the structure and functioning of the proposed UNHRP. The Vienna Conference should, however, recommend to the General Assembly the consideration of the outline of such mechanism at its next session. The Programme's design might be inspired in existing United Nations Programmes such as UNDP and UNEP. The Secretary-General would be requested by the Conference to prepare a report, to be submitted to the forty-eighth session of UNGA, containing alternatives for the establishment, structure and funding of the proposed UNHRP.